

REMARKS

Claims 1–20 are pending in the present application.

Claims 6 and 12–14 are objected to as being dependent upon a base claim, but were indicated to be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims.

Claim 1 was amended herein to correct a strict antecedent basis problem.

Claims 15–20 were added.

Reconsideration of the claims is respectfully requested.

35 U.S.C. § 102 (Anticipation)

Claims 1–5 and 7–11 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6, 600,914 to *Uhlik et al.* This rejection is respectfully traversed.

A claim is anticipated only if each and every element is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim. MPEP § 2131 at p. 2100-73 (8th ed. rev. 2 May 2004).

Independent claim 1 recites that emulation of normal call set-up operations at the selected subscriber station is in response to detection that communication resources are unavailable to establish the call. Such a feature is not found in the cited reference. *Uhlik et al* teaches that the emergency call recognition system is initiated as soon as an off-hook state is determined, not after

querying availability of communication resources to make the call and determination that such communication resources are unavailable.

Therefore, the rejection of claims 1–5 and 7–11 under 35 U.S.C. § 102 has been overcome.

35 U.S.C. § 101 (Double Patenting)

Claims 1–14 were provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of claims 1–14 of copending application serial nos. 09/839,727 and 09/839,734.

This rejection is respectfully traversed.

The claims in the copending applications are being amended concurrently herewith. Applicant respectfully requests deferral any obviousness-type double patenting rejection until claims within one of the subject applications are determined to be allowable.

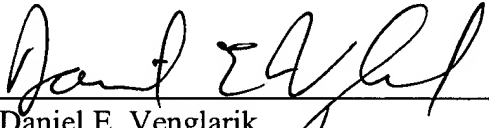
If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *dvenglarik@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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